



IPW

Docket: 2024728-7034432001
(03-226)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Robert Rioux, et al

Serial No.: 10/766,608

Filed: January 27, 2004

For: SYSTEMS AND METHODS FOR
TREATING BREAST TISSUE

Group Art Unit: 3739

Confirmation No.: 3377

Examiner: Not-Yet-Assigned

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

M/S: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. Copies of US Patents and US Patent Publications are not enclosed, pursuant to the US Patent & Trademark Office amendment to the 37 CFR § 1.98(a)(2)(i) that eliminates the requirement for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application. Copies of other cited references are enclosed.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the United States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

May 20, 2005
Date of deposit
PA/52160832.1

Maritza D. Kidd
Name of Person transmitting Paper

Signature of Person depositing Paper

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

☒ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
- ☐ Please charge _____ to Deposit Account No. **50-2518** for the above fee(s).
- ☐ Although applicant believes no fee is required, the Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's Deposit Account No. **50-2518**.

Dated: _____

5/18/05

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(650) 849-4400

Respectfully submitted,
BINGHAM McCUTCHEN LLP

By: _____

DT Burse

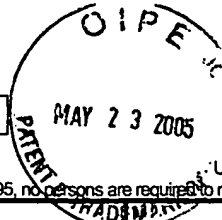
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PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

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|-------|---|----|---|------------------------|------------------------|
| Sheet | 1 | of | 1 | Application Number | 10/766,608 |
| | | | | Filing Date | 01/27/2004 |
| | | | | First Named Inventor | Robert F. Rioux, et al |
| | | | | Group Art Unit | 3739 |
| | | | | Examiner Name | Not-Yet-Assigned |
| | | | | Attorney Docket Number | 28-7034432001 (03-226) |

U.S. PATENT DOCUMENTS

| Examiner Initials * | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|------------------------|--------------------------|----------------------|--------------------------------------|--|--|---|
| | | Number | Kind Code ² (if known) | | | |
| | 1. | 2002/0133151 | | Hung et al | 09-19-2002 | |
| | 2. | 2003/0187427 | | Gatto | 10-02-2003 | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials * | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ₆ |
|------------------------|--------------------------|-------------------------|---------------------|--------------------------------------|---|--|--|----------------|
| | | Office ³ | Number ⁴ | Kind Code ⁵ (if known) | | | | |
| | 3. | WO | 03/087793 | | Massachusetts Institute of Technology | 10-23-2003 | | |

OTHER DOCUMENTS -- NON PATENT LITERATURE

| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|------------------------|--------------------------|---|----------------|
| | 4. | PCT International Search Report for PCT/US2005/002060, Applicant: Boston Scientific Scimed, Inc., Forms PCT/ISA/210 and 220, dated May 6, 2005 (7 pages) | |
| | 5. | PCT Written Opinion of the International Search Authority for PCT/US2005/002060, Applicant: Boston Scientific Scimed, Inc., Form PCT/ISA/237, dated May 6, 2005 (4 pages) | |

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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